

CITY COUNCIL
BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES

February 5, 2015

The City Council Business and Community Affairs Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:00 p.m. in the Municipal Building Conference Room located at 201 West Gray on the 5th day of February, 2015, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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| PRESENT: | Councilmembers Allison, Castleberry, Lang, and Chairman Heiple |
| ABSENT: | None |
| STAFF PRESENT: | Ms. Susan Connors, Director of Planning and Community Development Mr. Terry Floyd Development Coordinator Ms. Sara Kaplan, Retail Marketing Coordinator Mr. Steve Lewis, City Manager Ms. Leah Messner, Assistant City Attorney Ms. Syndi Runyon, Administrative Technician IV |

Item 1, being:

DISCUSSION REGARDING PRIORITY NON-RESIDENTIAL BUILDING PERMIT PLAN REVIEW CRITERIA.

Mr. Terry Floyd, Development Coordinator, said Staff researched options from other cities related to criteria they have established for prioritizing permit review for building permit applications. Criteria established for specific cities varied based on the City priorities and/or redevelopment initiatives, but general project criteria included green building projects; projects building in specified re-development areas; projects rebuilding after natural disasters; public school projects; and projects delayed due to City procedural errors.

Mr. Floyd said, currently, non-residential building plan and site plan review can take between four to six weeks of initial Staff review and comment. Non-residential building permit applications are reviewed in the order they are received and consist of building construction plan and site plan review from Development Services, Planning Department, Fire Department, and Public Works/Engineering Department.

In 2013, 84% of non-residential permits were reviewed within 14 days and 97% were reviewed within 28 days of permit submittal. Also in 2013, 70% of residential permits were issued within one hour and 74% were issued within two days. 2014 performance metrics are currently being compiled.

Mr. Floyd said utilizing criteria noted from research and other City initiatives and programs in an effort to begin discussions with the Business and Community Affairs (BACA) Committee related to establishing priority non-residential permit plan review criteria, Staff proposed the following project types for priority plan review consideration:

- Projects qualifying for Norman Economic Development Authority (NEDA) Incentive Packages
- Projects pursuing Form Based Code initiatives as part of the Center City Project
- Projects pursuing Leadership in Energy and Environmental Design (LEED) Certification
- Projects conducting necessary emergency and rebuilding work due to natural disasters
- Projects delayed due to City procedural errors
- Kindergarten through 12th Grade Public and Private School projects
- Moore-Norman Technology Center projects
- Retail Centers with vacancy rates of 30% or greater (requests would be reviewed by the Planning Director and Retail Marketing Coordinator)

Item 1, continued:

Mr. Floyd said applicants matching the non-residential building permit plan review criteria would be required to complete an application form and submit a formal letter to the Planning and Community Development Director requesting consideration for the priority plan review program as part of their building permit application. These requests would then be reviewed by the Planning Community Development Director in consultation with pertinent Staff. Upon approval, permit applications matching these criteria would be given priority plan review.

Councilmember Castleberry asked how NEDA projects are currently handled and Ms. Susan Connors, Director of Planning and Community Development, said there are no NEDA applications at this time; however under the above-described criteria, plan applications would be moved quickly to first review. Councilmember Heiple said his concern is that small developers would feel like they had been "leap frogged" and are not getting the same services as a big box company and Mr. Floyd said Staff would not anticipate leap frogging in the initial round of reviews. Councilmember Allison said NEDA projects would be large projects that would take a lot of time to review, which might push back some local developer's plan review. Ms. Connors said plans go through several reviews so all Staff is talking about is moving a project up for first review ahead of others and while those developers are looking over Staff comments on the project, Staff catches up on other plan reviews. She said priority reviews have never been done so Staff would have to see how things work and how many projects want priority review. Councilmember Allison said he is for priority plan review, but does not want to ruffle the feathers of local developers that submit plans to the City more often than the big box retailers. Ms. Connors said the policy criteria is fairly constricting so she does not expect to have many priority reviews. Mr. Floyd said many times, if the project is large the City will have been in discussions with developers well in advance of the plans actually being submitted for review.

Councilmember Castleberry asked if a structure fire would be considered a natural disaster and Mr. Floyd said generally the Council makes a formal recognition of a natural disaster by resolution and natural disasters usually consist of tornadoes, hurricanes, etc. He said Staff can look at things that may not be a natural disaster, but are still devastating to a business if the Committee so desires. Councilmember Castleberry said he would like to pursue that because recently, S & B Burgers burned down and, last year, On the Border burned down. He said the longer a business has to wait for permitting, the less likely they are to rebuild. Mr. Floyd said Staff could look at a qualifier for a building that has to be completely rebuilt due to fire versus a building that only needs repairs. Councilmember Castleberry would like both to qualify because in these instances, people have lost their business, people have lost jobs, the City loses sales tax, etc. He felt the City should help a business get back on its feet as quickly as possible. Mr. Steve Lewis asked if this criteria would include multi-family units and Councilmember Castleberry said yes. Councilmember Castleberry said fires are not natural disasters, but they are unexpected events or acts of God. He said this would not include arson as that has different ramifications such as investigational procedures that can delay rebuilding. Mr. Floyd said Staff will look at how that could be implemented into the policy.

Mr. Floyd said schools have a fine timeline because they generally want construction to take place during the summer months when school is not in session. Councilmember Castleberry asked if the City reviews the University of Oklahoma's (OU) plans and Ms. Connors said no. Chairman Heiple asked why and Ms. Connors said the City does not have jurisdiction over land owned by State and Federal government.

Mr. Floyd said Ms. Sara Kaplan, Retail Marketing Coordinator, identified 54 vacant retail spaces in Norman and among those 54, six have been identified with a vacancy rate of greater than 30%. The City determines the vacancy rate by their gross leasable space versus number of empty spaces in the retail center. He said five of those spaces would require a full building review so having criteria to move that process quickly would help fill the spaces more quickly. Councilmember Allison said he considered Downtown Norman a retail center and asked if that would be included in the 30% criteria and Ms. Kaplan said she would calculate that to see if it qualified.

Item 1, continued:

Councilmember Castleberry asked if priority review criteria should be approved by Council through a resolution or if it would be more of an administrative policy and Mr. Floyd said it would be an administrative policy. Chairman Heiple said if the policy expedites getting business done quicker he is all for it. Mr. Lewis said having a resolution tells businesses that Council backs the policy, but it can be done either way. Councilmember Castleberry felt a resolution from Council would be best and asked Staff to prepare a resolution for the full Council. Mr. Lewis said the City could handle the priority review process administratively for a while as a test to see how it goes before adopting a resolution.

Councilmember Lang said the City handles plan reviews so this is not a serious change to how the City already operates. Mr. Lewis said he makes promises to larger projects that a specific person will be doing the development review and the Development Coordinator will walk the project through the permitting process and having a policy solidifies that procedure.

Mr. Lewis said he would prepare an administrative policy to review at the next BACA meeting.

Items submitted for the record

1. Memorandum dated January 30, 2015, from Terry Floyd, Development Coordinator, through Steve Lewis, City Manager, to Council Business and Community Affairs Committee, with Exhibit A, Resolution No. R-1213-127

Item 2, being:

DISCUSSION REGARDING PROCEDURAL PROCESSES FOR GRANTING LIMITED LICENSE REQUESTS FOR FESTIVAL OR PUBLIC EVENT BANNERS LOCATED IN THE PUBLIC RIGHT-OF-WAY.

Mr. Floyd said Chapter 18, Section 18-308 of the Sign Code outlines criteria for Council approval of festival or public event banners to be placed in the public right-of-way (ROW). The process is first initiated through a formal application process that is reviewed by Staff in the Planning and Community Development Department and upon Staff approval, is recommended for Council approval through the granting of a "limited license." There is currently no cost for these applications.

This section of the Code was approved by Council in August 1995, to allow organizations the ability to place public event/festival signage in the ROW for a specified period of time to advertise events. The Code identified that signs must announce "specific events or promotions that are of a legitimate public benefit to the community at large." Since 2010, 68 separate limited license agreements have been approved by Council as a Consent Docket item. This averages to 17 licenses per year or just over one per month that are considered by Council.

Mr. Floyd said many of the requests are generally in the Spring/Summer months due to the festival season. A majority of the requests are generated for annual events held by non-profit or not-for-profit organizations including Friends of the Norman Public Library (book sales); Assistance League of Norman (May Fair Arts Festival); Firehouse Arts Center (Chocolate Festival); United Way of Norman (public events/campaigns); and Cleveland County YMCA (events).

In an effort to accommodate event timelines and reduce Staff processing, Staff is proposing to revise this section of the Sign code to make approval of banners matching the criteria an administrative approval issued by the Planning and Community Development Department. Upon approval of the application, signage would then be allowed to be placed in the ROW for the event duration as outlined by the applicant. Council would take no formal action in the approval of the application or granting of the limited license. This revision would not only reduce Staff/Council time spent processing the application, but the revision would also work to better accommodate event timelines by reducing the risk that an organization would miss Council meeting deadlines to have signage for an event considered.

Item 2, continued:

Chairman Heiple said the reason for Council approval in the first place was because citizens felt there were too many different types of signs/banners in the ROW and they thought it would be better controlled if Council approval was required.

Mr. Floyd said not all organizations are aware of or remember the timeline for Council meeting agendas and if they miss the Council agenda deadline, they do not get the limited license and cannot place their signs/banners in ROW. He said Staff is proposing an administrative policy to alleviate these types of issues.

Chairman Heiple asked if an administrative policy would save Staff time and Mr. Lewis said yes, it would be one less agenda item to prepare.

Councilmember Castleberry asked if someone wanted to place signage that could be perceived as controversial and Ms. Connors said there are criteria that it has to be a legitimate public benefit to the community so it would be the Planning Director's discretion to approve. She said if she could not approve it administratively, she would bring it to Council. Ms. Leah Messner, Assistant City Attorney, said standard language for an appeal process through the Board of Adjustment could be placed in Section 18-308.

Councilmember Allison said he never understood why Council had to approve limited licenses and felt they should be administratively approved.

Councilmember Castleberry asked if an ordinance change would affect all signs in the ROW and Ms. Connor said no signs are allowed in the ROW except those approved for a limited license and signs that are placed in the ROW are illegal. She said many businesses place signs in the ROW on weekends when they know Code Enforcement Officers are not working to pull them.

There was consensus among the Committee to change the ordinance to allow limited licenses to be approved administratively. Mr. Floyd said Staff will prepare the ordinance amendment.

Items submitted for the record

1. Memorandum dated January 30, 2015, from Terry Floyd, Development Coordinator, through Steve Lewis, City Manager, to Council Business and Community Affairs Committee, with Attachment B, Application for Limited License for Festival or Public Event Banners or Sign, and Attachment C, Limited License Agreements Granted for Festival/Public Event Banner, 2010-2014

Item 3, being:

MISCELLANEOUS PUBLIC COMMENTS.

None

The meeting adjourned at 6:42 p.m.

ATTEST:

City Clerk

Mayor